

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. In the present response, the Applicants have amended Claims 1, 11-17 and 19-20, have canceled Claims 9-10 and 18 without prejudice or disclaimer and have added Claims 21-23. Support for the amendment can be found in the original specification at paragraph 25 on page 9 and paragraphs 28-29 on page 10. Accordingly, Claims 1-8, 11-17 and 19-23 are currently pending in the application.

I. Rejection of Claims 1-4, 7-9 and 14-19 under 35 U.S.C. §102

The Examiner has rejected Claims 1-4, 7-9 and 14-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0095500 by Sato, *et al.* Since Claims 9 and 18 have been canceled without prejudice or disclaimer, the rejection of these Claims is now moot. Regarding pending Claims 1-4, 7-8, 14-17 and 19, the Applicants respectfully disagree with the Examiner's rejection.

Sato relates to a portable terminal device having a camera function and an attachment structure of a camera unit to be attached to a terminal housing. (*See* paragraph 1.) As recognized by the Examiner, Sato does not teach automatically starting a program stored within a memory of a mobile communication device based on detecting a certain position of a camera module as recited in amended independent Claims 1 and 17. (*See* Examiner's Action, page 5, regarding original Claims 10 and 20.) Sato, therefore, does not teach each element of amended independent Claims 1 and 17.

In addressing original Claims 10 and 20, the Examiner asserts U.S. Patent Application No. 2004/0041911 by Ogadiri teaches automatically starting a program stored within a memory of a mobile communication device based on detecting a certain position of a camera module. (*See* Examiner's Action, page 5.) The Applicants respectfully disagree. Ogadiri, teaches a portable telephone 13 that automatically detects an external device, such as a digital camera, and switches an interface section 19 according to the detected external device. (*See* paragraphs 153, 165 and 166.) Thus, while Ogadiri teaches detecting what type of external device, including a camera, is connected to a portable telephone, Ogadiri does not teach detecting a certain **position** of the camera **and** automatically starting a program based thereon. Ogadiri, therefore, does not teach automatically starting a program stored within a memory of a mobile communication device based on detecting a certain position of a camera module as recited in amended independent Claims 1 and 17.

Returning to Sato, Sato also does not teach a mobile communication device including a main body having attaching means for attaching a camera module wherein the attaching means includes means for automatically moving the camera module from the retracted position to an exposed position employing electrical energy as recited in amended independent Claim 14. Instead, Sato teaches manually pulling the camera unit 16 out of the camera housing portion 17 using a fingernail or employing an elastic energizing means (spring force). (*See* paragraphs 65 and 84.) Thus, Sato also does not teach each element of amended independent Claim 14.

Regarding independent Claim 16, Sato does disclose the camera unit 16 can be accommodated in a camera housing portion 17 of a portable terminal device when the camera is not in use to protect the camera unit. (*See* paragraphs 76 and 90.) The Applicants fail to find, however,

where Sato teaches the camera unit can be wholly detachable from the portable terminal device. As such, Sato does not teach a camera module including an attaching means for attaching the camera module to complementary attaching means of a mobile communication device wherein the attaching means allows the camera module to be wholly detachable from the mobile communication device as recited in amended independent Claim 16.

Therefore, Sato does not disclose each and every element of amended independent Claims 1, 14, 16 and 17. As such, Sato does not anticipate amended independent Claims 1, 14, 16 and 17 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-4, 7-8, 14-17 and 19 and allow issuance thereof.

II. Rejection of Claims 5-6 under 35 U.S.C. §103

The Examiner has rejected Claims 5-6 under 35 U.S.C. §103(a) as being unpatentable over Sato in view of U.S. Patent Application Publication No. 2003/0174239 by Sawada. As discussed above, Sato does not teach automatically starting a program stored within a memory of a mobile communication device based on detecting a certain position of a camera module as recited in amended independent Claim 1. The Applicants also find no suggestion in Sato of automatically starting a program stored within a memory of a mobile communication device based on detecting a certain position of a camera module. Instead, Sato is concerned with providing a portable terminal device having a camera function in which a camera unit does not greatly restrict positions

in which other functional components are to be provided and the size of a terminal housing can be reduced. (See paragraph 13.)

Sawada has not been cited to cure this deficiency of Sato but to teach a camera module that is rotatable about at least two axes of rotation in an exposed position. (See Examiner's Action, page 4.) The cited combination of Sawada and Sato, therefore, does not provide a *prima facie* case of obviousness of amended independent Claim 1 and Claims dependent thereon. Dependent Claims 5-6, therefore, are not unpatentable in view of the cited combination. The Applicants, therefore, respectfully request the Examiner to withdraw the §103(a) rejection of Claims 5-6 and allow issuance thereof.

III. Rejection of Claims 10-13 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 10-13 and 20 under 35 U.S.C. §103(a) as being unpatentable over Sato in view of Odagiri (Claims 10 and 20) and U.S. Patent Application Publication No. 2004/0242263 by Nishimoto (Claims 11-13). The rejection of these Claims, however, is now moot since Claims 10-13 and 20 have either been canceled or amended. Accordingly, The Applicants, therefore, respectfully request the Examiner to withdraw the §103(a) of Claims 10-13 and 20.

IV. Comment on Cited References

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

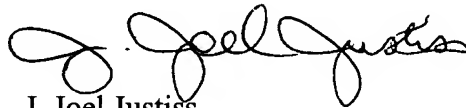
V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-8, 11-17 and 19-23.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", written in a cursive style.

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